IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Daniel Mark Mixson,	)	C/A No. 0:15-4555-DCN-PJG
	)	
Petitioner,	)	
	)	
v.	)	**ORDER**
	)	
Director, Charleston County Detention Center,	)	
	)	
Respondent.	)	
_____	)	

This is an action seeking habeas corpus relief under 28 U.S.C. § 2254. Petitioner is a detainee. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By order issued on December 11, 2015 the court allowed Petitioner an opportunity to provide the information necessary to bring this case into proper form. (ECF No. 6.) Petitioner complied with the court's order.

MOTION TO PRODUCE:

Petitioner's motion seeks the production of documents, specifically "all computer file records" in the possession of the Respondent beginning on the date of Petitioner's arrest, April 21, 2011. (ECF No. 15 at 1.) A separately docketed Report and Recommendation has been issued in this case, recommending summary dismissal of the Petition. Accordingly, Petitioner's motion to produce documents is denied at this time. (ECF No. 15.)

PAYMENT OF THE FILING FEE:

Petitioner requests to proceed without prepaying the filing fee by filing an Application to Proceed in District Court Without Prepaying Fees or Costs (Form AO-240) and an Inmate Cash Maintenance Report, which are construed as a Motion for Leave to Proceed *in forma pauperis*. Based on a review of Petitioner's Motion for Leave to Proceed *in forma pauperis*, it is granted. (ECF No. 9.)

PJG

TO THE CLERK OF COURT:

The Clerk of Court shall not serve the Petition upon the Respondent because it is subject to dismissal.

IT IS SO ORDERED.

_____
Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

January 27, 2016
Columbia, South Carolina